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2  
3 UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

4 -----X  
YEMISI AKINYEMI,

5 PLAINTIFF,

6 - against -

Index No.  
07CV4048

7 MICHAEL CHERTOFF, Secretary,  
Department of Homeland Security,

8 DEFENDANT.  
9 -----X

10  
11 DATE: October 26, 2007

12 TIME: 1:31 P.M.  
13  
14  
15

16 EXAMINATION BEFORE TRIAL of the Defendant,  
17 MICHAEL CHERTOFF, Secretary, Department of Homeland  
18 Security, by a witness, ELBA J. RILEY, taken by  
19 the Plaintiff, pursuant to Notice, held at the  
20 U.S. Department of Justice, U.S. Attorney's Office,  
21 Southern District of New York, 86 Chambers Street,  
22 New York, New York 10007, before Sharon Dirzis, a  
23 Stenotype Reporter and Notary Public of the State  
24 of New York.  
25

1 RILEY

2 can serve it upon me. I'll accept service.

3 MS. PREE: You can also serve it on  
4 CBP, too.

5 MR. OKOLI: Let the record reflect  
6 that both the CBP and private attorney for  
7 Ms. Riley would accept service of any  
8 subpoena on her behalf.

9 Q What's your place of birth?

10 A San Sebastian, Puerto Rico.

11 Q For the record, what is your race?

12 A Hispanic.

13 Q Who is your employer?

14 A CBP.

15 Q What?

16 A Customs and Border Protection.

17 Q What's your current job title?

18 A My current title is import specialist.

19 Q What's your highest level of education?

20 A Bachelor's degree.

21 Q What's your major?

22 A Foreign languages.

23 Q When did you graduate with a Bachelor's  
24 degree, what year?

25 A 1993.

1 RILEY

2 Q When did you become an employee of CBP?

3 A January 2004.

4 Q When you were initially hired by CBP, what  
5 was your title?

6 A Inspector -- customs inspector --  
7 U.S. customs inspector.

8 Q When did you then become an import  
9 specialist?

10 A I was reassigned on October last year, and  
11 I went for school from February 14th to April 4th  
12 this year. That's when I officially became an import  
13 specialist.

14 Q You were reassigned in October 2006?

15 A Yes.

16 Q When you were initially hired, what was  
17 your grade level?

18 A Can you repeat that one?

19 Q When you were first hired, what was your  
20 grade level?

21 A Grade level was seven.

22 Q Following your reassignment, did your grade  
23 level change?

24 A Yes.

25 Q What's your current grade level?

1 RILEY

2 A Eleven.

3 Q When you were initially hired by the CBP,  
4 were you required to complete a probationary period  
5 as part of the employment?

6 A Yes.

7 Q When did that probationary period start?

8 A January 2004.

9 Q When did it end?

10 A January 2006.

11 Q During the time of probation, who was your  
12 supervisor?

13 A I don't recall. We have so many. We have  
14 different supervisors.

15 Q Do you recall any of your supervisors?

16 A Brian Talrymple, T-A-L-R-Y-M-P-L-E.

17 Q Do you know Mr. Talrymple's title?

18 A He's a supervisor for inspectors.

19 Q Any other supervisors of yours that you  
20 recall during the time of your probation?

21 A Joseph Mannucci.

22 Q Could you please spell that?

23 A M-A-N-N-U-C-C-I.

24 Q He was also your supervisor?

25 A Supervisor, also.

1 RILEY

2 you ever see off your parents at the airport or  
3 traveling from Port Elizabeth Seaport?

4 MR. WINKLER: I'll object. Asked and  
5 answered.

6 Q You can go ahead and answer.

7 Is it your testimony that at no time did  
8 you ever see off your parents, between 2003 and 2005,  
9 see them off travel from the airport?

10 MR. WINKLER: Are you saying seeing  
11 them off for travel?

12 MR. OKOLI: Yes.

13 A Yes, that's right. They have never been  
14 here since I have been here.

15 Q Have you ever seen any relation off at the  
16 gate area of an airport?

17 A I would like to invoke my Fifth Amendment  
18 not to answer that question.

19 MR. OKOLI: Shall we call the judge?

20 MR. CLOPPER: Are you going to invoke  
21 that?

22 MR. WINKLER: Yes.

23 MR. CLOPPER: Hold on.

24 Just as a suggestion, do you think it  
25 would be fruitful, at all, to have you go